



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 11, 2009

Travel Management Team
Rogue River-Siskiyou National Forest
Siskiyou Mountains Ranger District
645 Washington Street
Ashland, OR 97520

RE: U.S. Environmental Protection Agency (EPA) review and comments for the Motorized Vehicle Use on the Rogue River-Siskiyou National Forest (Forest) Draft Environmental Impacts Statement (EIS). EPA Project Number: 08-053-AFS

Dear Mr. Conroy:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-2 (Environmental Concerns, Insufficient Information) rating to the Draft EIS/OEIS. A copy of the EPA rating system is enclosed.

We believe the action alternatives – especially alternative 4 - promise increased environmental protection in comparison to the no-action alternative. Unmanaged Off Highway Vehicle (OHV) use on federal lands has resulted in unplanned roads and trails, soil erosion, watershed and wildlife habitat damage, impacts to cultural sites, safety concerns, and increased degradation of recreational experiences, especially a loss in opportunities for solitude, primitive hunting and other quiet experiences (Okanogan-Wenatchee National Forest Motorized Travel Management Proposed Action Scoping Document, p. 3).

Our review of the DEIS has identified the following concerns:

- The proposed alternative (Alternative 3) may not be fully consistent with the direction in the 2005 Travel Management Rule (36 CFR 212), or with previous Forest Service direction regarding proposed wilderness areas adjacent to the Kalmiopsis Wilderness.
- Because information about levels of asbestiform minerals in serpentine soils on the Forest is very limited, the Forest may not have adequate information to analyze the risk of exposure to naturally occurring asbestos.
- We believe that the Draft EIS contains insufficient information related to implementation and adaptive management planning. These are vital aspects of ensuring that predicted environmental benefits are fully realized.
- We are concerned about potential impacts to water resources from dispersed recreation. Impacts from dispersed recreation are generally concentrated around streams, lakes and other areas of special interest for forest users.

We support the selection of Alternative 4 as it most effectively addresses each of the concerns raised above. Our attached comments provide additional detail about our concerns, and specify the key components of Alternative 4 that we recommend be included in the final preferred alternative.

We also provide a series of recommendations to assist the Forest in the development of a more integrated Implementation and Adaptive Management Plan. We suggest that this plan be a part of any proposed action alternative and include additional details and discussion about (i) Effectiveness Monitoring and Adaptive Management, (ii) Education and Enforcement and (iii) Collaboration. We also recommend that the Final EIS consider the water quality benefits of including more specific and restrictive measures for dispersed recreation.

Thank you for this opportunity to comment on the Proposed Action and if you have any questions please contact Teresa Kubo of my staff at (503) 326-2859.

Sincerely,

/s/

Christine B. Reichgott, Manager
Environmental Review and Sediment
Management Unit

Enclosures:

EPA Region 10 Detailed Comments
EPA Rating System for Draft EISs

EPA REGION 10 DETAILED COMMENTS FOR THE MOTORIZED VEHICLE USE ON THE ROGUE RIVER-SISKIYOU NATIONAL FOREST DRAFT EIS

Consistency with Planning Rule and Existing Guidance

As noted in the DEIS, and in the Federal Register¹, the 2005 Travel Management Rule is intended to manage motorized use on Forest Service roads and trails so as to protect natural resources, promote the safety of all users, and minimize conflict among users. Under the proposed alternative, the Land and Resource Management Plans (LRMPs) for the Rogue and Siskiyou National Forests would be amended to allow for motorized use in areas where motorized use is currently prohibited (specifically the Boundary Trail area). As noted in the DEIS, there are Forest Service Sensitive species and habitat along the Boundary Trail (p. III-69) and user conflicts have been documented on the Boundary Trail (p. III-114). Amending the Forest Plans to allow for use in these areas would reconcile existing use with the land use allocation, but we do not believe it would be consistent with the direction in the Planning Rule.

We also note that the Forest Service has indicated support for considering five inventoried roadless areas around the Kalmiopsis Wilderness (64,670 acres) for wilderness designation². The DEIS does not discuss the potential impact of the current planning process on this potential designation. We are concerned that by allowing for motorized trail use in inventoried roadless areas (such as the South Kalmiopsis Inventoried Roadless Area), Alternative 3 may compromise the ability of the Forest Service to pursue this wilderness designation.

Recommendations:

- We recommend that the Forest Service continue to prohibit motorized use along the Boundary Trail (consistent with the direction under Alternative 4).
- We recommend that the FEIS discuss the potential impact of the current planning effort on potential future wilderness designations.

Naturally Occurring Asbestos

As noted on page III-59 of the DEIS, information regarding levels of asbestiform minerals in serpentine soils on the Forest is very limited. Given the extent of serpentine soils on the Forest, we believe that the risk of potential exposure has not been adequately analyzed. In recent years EPA has conducted activity-based sampling in two areas in the Sierra Nevada Range in California known to have naturally occurring asbestos on site (El Dorado Hills³, and the Clear Creek Management Area⁴). Both of these assessments found exposure levels to be of concern due to the potential for long-term development of asbestos-related diseases. We recognize that the serpentine deposits on the Rogue-Siskiyou National Forest may be significantly different than those in California. There are, however, portions of the western lower elevation Sierra Nevada range that have geology similar to that of the Rogue-Siskiyou. In the absence of a more robust analysis, we believe that reasonable and appropriate steps should be taken to reduce potential asbestos exposure.

¹ Federal Register Volume 70, Number 216, Page 68264

² 2004 USFS Record of Decision, Biscuit Fire Recover Project, Page R-24

³ <http://www.epa.gov/region09/toxic/noa/eldorado/index.html>

⁴ <http://www.epa.gov/region09/toxic/noa/clearcreek/index.html>

Recommendations:

- We recommend prohibition of motorized use on trails within serpentine areas consistent with the direction under Alternative 4.

Environmentally Preferred Alternative

EPA recommends adoption of Alternative 4. As noted on page S-6 of the DEIS, Alternative 4 addresses concerns about possible effects to Botanical Areas, serpentine soils (and associated meadows, fens, and bogs), water quality, and the spread of invasive non-native species. Key elements of Alternative 4 that we recommend be incorporated into the preferred alternative in the FEIS include:

- Prohibition of motorized use within Inventoried Roadless Areas, Botanical Areas and serpentine soils. This would result in a lower risk of inhaling asbestos (page III-60) and protect a high proportion of endemic and rare plants.
- No motorized use on Maintenance Level 1 National Forest Service roads.
- No parking for dispersed camping along paved roads on the Powers and Gold Beach Ranger Districts (II-42&43)
- Closure of the Boundary Trail and its connecting trails. This would reduce some soil erosion (Page III-13) and reduce "... conflicts stemming from the noise associated with motorized vehicle use between motorized and non-motorized trail users" (Page III-115).
- Closure of the motorized trail system in the Mule Mountain areas. This would eliminate a source of localized disturbance that generates erosion and sediment, and damages riparian function (Page III-15).

Effectiveness Monitoring and Adaptive Management

In examining consistency with the objectives of the Aquatic Conservation Strategy, the DEIS notes that existing road conditions may be causing localized damage, and that "monitoring of these areas as proposed under mitigating measures would allow road related damage to be documented and repaired" (Page III-52). This monitoring and adaptive management effort will be key to meeting the stated goal of reducing existing resource damage from motorized use.

Monitoring and adaptive management will also play a key role in determining the need for future updates and revisions to the MVUM. We strongly support the concept of revising the MVUM based on monitoring results in order to improve resource protection. Because effective monitoring and adaptive management are critical to achieving the predicted environmental benefits, we recommend that additional detail about these efforts be included in the FEIS.

Recommendations:

- We recommend that a comprehensive implementation and adaptive management plan be incorporated into the action alternatives, and that initial details of this plan be included in the Final EIS (as opposed to being developed subsequent to the Record of Decision).
- This adaptive management plan should:
 - describe a decision tree to guide future decisions,
 - identify specific decision thresholds and management responses for resources of concern (e.g. fish, wildlife and sensitive plants),
 - discuss the monitoring needed to assess whether thresholds are being met, and
 - forecast funding opportunities and constraints for the monitoring.

- Contribution of OHVs to sedimentation of streams should be given priority within the implementation and adaptive management planning framework. Providing a management trigger related to water quality standards for sediment may be a useful method for ensuring benefits to the aquatic environment are realized.

One conceptual example of such an approach to adaptive management is contained in the adaptive management chapter of the Idaho Forestry Program Document⁵.

Education and Enforcement

As noted under the assumptions on page III-2, some illegal use is expected to continue. We concur with this assessment and believe that extensive trail use, signage challenges, and other compliance issues will present a challenge to plan implementation. Without compliance, predicted environmental benefits will not be realized.

Recommendation:

- We are fully supportive of the volunteer strategy discussed on page II-62 that would identify opportunities for the public to help implement, enforce, maintain, and fund the designated route system. We recommend that the FEIS more fully explore these kinds of non-traditional public education and enforcement strategies. These may be a cost effective means of increasing compliance.

Collaboration

Cooperative agreements with adjacent landowners, citizen groups, government agencies, universities and research organizations may also increase the Forest's capacity to achieve compliance and monitor the effectiveness of management actions. We recommend that the FEIS discuss possible and appropriate formal partnerships with relevant stakeholders.

Dispersed Recreation

EPA believes that motorized access to dispersed recreation has the potential to cause relatively high and concentrated adverse environmental impacts. Impacts are generally concentrated around streams, lakes and other areas of special interest for forest users. We appreciate the restrictions on parking for dispersed camping within ¼ mile of developed recreation sites (II-24) and 1,320 feet of potable water sources. We encourage the Forest to adopt similar restrictions where appropriate to protect water quality and aquatic resources.

Recommendation

- If or where corridors to dispersed camping are allowed, we recommend restricting motorized access for dispersed camping within 300 feet of perennial streams, 150 feet of lakes, and 100 feet of intermittent streams. Restricting motorized access around waterbodies will lessen potential sediment delivery to streams – an important threat to aquatic resources – by limiting route treads that become drainage pathways.

⁵ See especially "Table I.I-1 The IFP implementation framework" and related text at http://www.idl.idaho.gov/eis/idaho_forestry_program_doc/SecI_I_AdaptiveManagement_011209.pdf.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987